



## Message

**From:** Leah Aden [laden@naacpldf.org]  
**Sent:** 9/16/2016 8:56:55 PM  
**To:** Biffl, Betsy [Biffl.Betsy@epa.gov]; Covington, Jeryl [Covington.Jeryl@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; OLone.Mary@epa.gov; Stein, Jonathan [Stein.Jonathan@epa.gov]; M.Andrew.Zee@usdoj.gov; Temple, Kurt [Temple.Kurt@epa.gov]  
**CC:** Marianne Engelman Lado [mengelmanlado@earthjustice.org]; Jonathan J. Smith [jjsmith@earthjustice.org]; Leah Aden [laden@naacpldf.org]  
**Subject:** RE: Documents from Ashurst Bar/Smith Community Organization  
**Attachments:** removed.txt; Final Letter to Ms. Biffl, EPA OCR re Complainant ABSCO 9.16.16 (000404....pdf; [redacted] final declaration 07.29.16 (w attachments).pdf; [redacted] final declaration w attachments.pdf; Final Declaration [redacted] Ex. 6 Personal Privacy (PP) 6.16.16 w attachment.pdf; [redacted] Ex. 6 Personal Privacy (PP) final declaration w map & link to photos.pdf

Ms. Biffl –

Please find attached a letter and supporting documents, submitted on behalf of the Ashurst Bar/Smith Community Organization, Complainant in Case No. 06R-03-R4. Note also that because there are photos attached to the declaration of Mr. [redacted] Ex. 6 Personal Privacy (PP) you will need to access this secure website <https://earthjustice.sharefile.com/d-> [redacted] Ex. 6 Personal Privacy (PP) to download his declaration with all of the supporting attachments. Please be aware that this file will be automatically deleted from the file-sharing website after 30 days.

Thank you

**Leah Aden**  
**Senior Counsel**  
**NAACP Legal Defense and Educational Fund, Inc.**  
 40 Rector Street, 5th Floor, New York, NY 10006  
 ☎ 212.965.7715 ✉ LAden@naacpldf.org  
[www.naacpldf.org](http://www.naacpldf.org)  



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**From:** "Jonathan J. Smith" [mailto:jjsmith@earthjustice.org]  
**Sent:** Friday, March 11, 2016 10:05 AM  
**To:** Jeryl 'Covington' <Covington.Jeryl@epa.gov>; Jonathan 'Stein' <Stein.Jonathan@epa.gov>; Betsy 'Biffl' <Biffl.Betsy@epa.gov>  
**Cc:** Leah Aden <laden@naacpldf.org>; Caren Short <CShort@naacpldf.org>; Marianne Engelman Lado <mengelmanlado@earthjustice.org>  
**Subject:** RE: Documents from Ashurst Bar/Smith Community Organization

Please find attached scanned pdfs of three documents listed below that were provided in jpeg form in the March 4, 2016 document submittal. These pdfs are intended as more legible and convenient versions of the same documents.

- Aug. 30, 2003 Comments to ADEM
- Apr. 2005 ADEM Notice of Registration

- Apr. 26, 2005 ECE Letter to ADEM

Thank you,

Jonathan

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Jonathan J. Smith  
Earthjustice  
212-845-7379 (direct)

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**From:** Jonathan J. Smith  
**Sent:** Tuesday, March 08, 2016 3:20 PM  
**To:** 'Biffi, Betsy'; 'Stein, Jonathan'; 'Covington, Jeryl'  
**Cc:** Marianne Engelman Lado; 'Leah Aden ([LAden@naacpldf.org](mailto:LAden@naacpldf.org))'; 'Caren Short ([CShort@naacpldf.org](mailto:CShort@naacpldf.org))'  
**Subject:** RE: Documents from Ashurst Bar/Smith Community Organization

As an addendum to Attachment B of Earthjustice's Cover Letter for the March 4, 2016 transmittal of documents to OCR, please find attached a description of 19 photographs that were provided by Ex. 6 Personal Privacy (PP) and included in the March 4, 2016 documents.

Thank you,

Jonathan Smith

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Jonathan J. Smith  
Earthjustice  
212-845-7379 (direct)

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**From:** Jonathan J. Smith  
**Sent:** Friday, March 04, 2016 6:42 PM  
**To:** 'Biffi, Betsy'; Stein, Jonathan; Covington, Jeryl  
**Cc:** Marianne Engelman Lado; Leah Aden ([LAden@naacpldf.org](mailto:LAden@naacpldf.org)); Caren Short ([CShort@naacpldf.org](mailto:CShort@naacpldf.org))  
**Subject:** Documents from Ashurst Bar/Smith Community Organization

Please find attached a cover letter, with two attachments, that contains a link to a file-sharing website where the documents requested from the Ashurst Bar/Smith Community Organization may be downloaded.

Please let us know if you have trouble downloading from the website. It is my understanding that the link will expire in 30 days.

Thank you,

Jonathan Smith

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Jonathan J. Smith  
Earthjustice  
212-845-7379 (direct)

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**From:** Biffi, Betsy [<mailto:Biffi.Betsy@epa.gov>]  
**Sent:** Wednesday, February 17, 2016 5:23 PM

**To:** Marianne Engelman Lado  
**Cc:** Jonathan J. Smith; Stein, Jonathan  
**Subject:** follow up to phone call

Hi Marianne,

During our call last week, your clients mentioned documentation that they had and were willing to provide to us. Below is a list of things that Jonathan Stein requested. You mentioned that you may have additional items; please do include anything else you would like us to review.

- Information related to water quality concerns and related pictures and measurements, etc.
  - Independent water testing done around 2003 – water was running off landfill across the roadway
  - Other assessments of waterways, including uses of waterway for uses other than drinking (agricultural, recreational, etc.)
- Mid-South Testing report from August/September 2000 (or 2004). Records reportedly indicated Ar concerns.
- Methane gas information/records indicating exceedances.
- Eminent domain communications/information related to the roadway modifications.
- Photographs (we believe both Ex. 6 Personal Privacy (PP) mentioned photos)

Thanks very much,

Betsy Biffel  
Civil Rights and Finance Law Office  
Office of General Counsel (MC 2377A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-3389